

Remarks

I. Status of the Claims

Claims 1-10, 12, 13, and 15-59 are pending in this application. Claims 57 and 58 were withdrawn from consideration. By this amendment, claims 11 and 14 were cancelled, and claims 1, 12 and 54-56 were amended. Support for these amendments can be found in the specification as originally filed, for example at page 6, paragraph [22], and claim 11 as originally filed.

II. Rejection under 35 U.S.C. § 102(e)

The Office has maintained the rejection of claims 1-18, 20-31, and 46-56 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,264,933 to *Bodelin et al.* ("Bodelin") for the reasons of record.

While Applicants continue to disagree with this rejection for the reasons of record, solely in an effort to advance prosecution, Applicants amended independent claims 1 and 54-56 to recite that the at least one thermal transition agent is chosen from semi-crystalline compounds. To anticipate a claimed invention, a prior art reference must describe each and every element as set forth in the claim. M.P.E.P. § 2131.

Bodelin does not teach semi-crystalline compounds. Rather Bodelin, teaches the use of waxes, which are crystalline compounds. The Office implicitly acknowledges this fact with its indication that claim 19 contains allowable subject matter. See Final Office Action dated April 4, 2003 at page 4. Claim 19 recites that "the at least one thermal transition agent is chosen from polycaprolactones," which are semi-crystalline compounds. Bodelin can therefore not anticipate the invention as claimed. Applicants respectfully request that this rejection be withdrawn.

III. Rejections Under 35 U.S.C. § 103(a)

A. Bodelin in view of Simon and Mougin

The Office has maintained the rejection of claims 32-45 under 35 U.S.C. § 103(a) as being unpatentable over Bodelin in view of U.S. Patent No. 6,333,053 to *Simon* ("Simon") and U.S. Patent No. 5,851,517 to *Mougin et al.* ("Mougin") for the reasons of record. Applicants respectfully traverse this rejection.

Applicants submit that the invention is not prima facie obvious over Bodelin in view of Simon and Mougin. To establish a prima facie case of obviousness, an Examiner, at a minimum, must demonstrate that the prior art references teach or suggest all the claim limitations. See M.P.E.P. § 2143. None of the cited references teach or suggest a semi-crystalline compound. In particular, Bodelin discloses a composition comprising a crystalline compound. Thus, for at least this reason, Bodelin in view of Simon and Mougin does not establish a prima facie case of obviousness. Accordingly, Applicants respectfully request that this ground of rejection be withdrawn.

B. Bodelin

The Office has maintained its rejection of claim 59 under 35 U.S.C. § 103(a) as being unpatentable over Bodelin. Applicants respectfully traverse this rejection because, as emphasized above, Bodelin does not teach or suggest a semi-crystalline compound. Accordingly, Applicants respectfully request withdrawal of this rejection.

VI. Conclusion

In view of the foregoing amendment and remarks, Applicants respectfully request the reconsideration of this application, and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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